1636

Sterne Kessler Goldstein Fox
ATTORNEYS AT LAW

Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugaisky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro*
Donald R. Banowit
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston
Kimberly N. Reddick

Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier
Rae Lynn Prengaman
Jane Shershenovich*
Lawrence J. Carroll*
George S. Bardmesser
Daniel A. Klein*
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller*
Jon E. Wright*
LuAnne M. Yuricek*
John J. Figueroa

Ann E. Summerfield
Tiera S. Coston*
Aric W. Ledford*

Registered Patent Agents•
Karen R. Markowicz
Nancy J. Leith
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Dowd
Aaron L. Schwartz
Mary B. Tung
Katrina Y. Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Timothy A. Doyle
Jennifer R. Mahalingappa

Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
Eric D. Hayes

Of Counsel
Kenneth C. Bass III
Evan R. Smith

*Admitted only in Maryland
+Admitted only in Virginia
•Practice Limited to Federal Agencies

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PATENT & TRADEMARK OFFICE

November 4, 2003

WRITER'S DIRECT NUMBER:
(202) 772-8525
INTERNET ADDRESS:
BRIAND@SKGF.COM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit 1636

Re: U.S. Utility Patent Application
Appl. No. 10/058,292; Filed: January 30, 2002
For: **Recombinational Cloning Using Recombination Sites**
Inventors: HARTLEY *et al.*
Our Ref: 0942.285000H/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;

2. List of cited references on Form PTO-1449 (**3** sheets);

3. A copy of each reference cited on Form PTO-1449 (**17** documents: **AG7-AF8, and AS112-AR114**); and

4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

RWE/BJD/JKM/acr
Enclosures

SKGF_DC1:194041.1

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NOV 04 2003
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No. 10/058,292

Filed: January 30, 2002

For: **Recombinational Cloning Using Recombination Sites**

Confirmation No. 3058

Art Unit: 1636

Examiner: Sandals, W.O.

Atty. Docket: 0942.285000H/RWE/BJD/JKM

Third Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on August 19, 2003, in connection with the above-captioned application. A copy of each document is also provided.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications: 09/648,790, filed August 28, 2000; 09/984,239, filed October 29, 2001; 10/396,696, filed March 26, 2003; 10/454,793, filed June 5, 2003; and 10/640,422, filed August 14, 2003, which concern related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those

applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Third Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: November 4, 2003

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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FORM PTO-1449

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.	APPLICATION NO.
0942.285000H/RWE/BJD/JKM	10/058,292
APPLICANT	
HARTLEY *et al.*	
FILING DATE	GROUP
January 30, 2002	1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA8	2003/0077804-A1	04/24/2003	Byrd *et al.*			04/19/2002
	AB8	2003/0124555-A1	07/03/2003	Brasch *et al.*			05/21/2002
	AC8	2003/0157662-A1	08/21/2003	Gerard *et al.*			11/13/2002
	AD8	2003/0157716-A1	08/21/2003	Hartley *et al.*			11/02/2001
	AE8	2003/0175970-A1	09/18/2003	Hartley *et al.*			11/21/2002
	AF8	2003/0186233-A1	10/02/2003	Chesnut *et al.*			12/07/2001
	AG8						
	AH8						
	AI8						
	AJ8						
	AK8						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	113	Pending U.S. Non-Provisional Patent Application No. 10/396,696, filed March 26, 2003
	AS	113	Pending U.S. Non-Provisional Patent Application No. 10/454,793, filed June 5, 2003.
	AT	113	Pending U.S. Non-Provisional Patent Application No. 10/640,422, filed August 14, 2003.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

PTO/SB/08A (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
NOV 04 2003 JC34 PATENT AND TRADEMARK OFFICE

FORM PTO-1449

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA7						
	AB7						
	AC7						
	AD7						
	AE7						
	AF7						
	AG7	2002/0094574-A1	07/18/2002	Hartley *et al.*			05/16/2001
	AH7	2002/0172997-A1	11/21/2002	Hartley *et al.*			07/19/2001
	AI7	2002/0192819-A1	12/19/2002	Hartley *et al.*			07/19/2001
	AJ7	2003/0064515-A1	04/03/2003	Hartley *et al.*			01/30/2002
	AK7	2003/0068799-A1	04/10/2003	Hartley *et al.*			05/06/2002

FOREIGN PATENT DOCUMENTS

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	112	
	AS	112	Pending U.S. Non-Provisional Patent Application No. 09/648,790, filed August 28, 2000.
	AT	112	Pending U.S. Non-Provisional Patent Application No. 09/984,239, filed October 29, 2001.

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FORM PTO-1449 THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0942.285000H/RWE/BJD/JKM	APPLICATION NO. 10/058,292
	APPLICANT HARTLEY *et al.*	
	FILING DATE January 30, 2002	GROUP 1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	114	Murayama, N., *et al.*, "Evidence for Involvement of *Escherichia coli* Genes pmbA, csrA and a Previously Unrecognized Gene tldD, in the Control of DNA Gyrase by letD (*ccdB*) of Sex Factor F," *J. Mol. Biol. 256*:483-502, Academic Press Limited (1996).
	AS	114	
	AT	114	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.